

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

No. 274

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**Introduced by Assembly Member Bonilla**

February 11, 2013

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*An act to add Sections 8221.5, 8228, and 8262.3 to the Education Code, relating to child care and development services.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 274, as amended, Bonilla. Child care and development services: ~~alternative payment programs; services.~~

The Child Care and Development Services Act, administered by the State Department of Education, provides that children up to 13 years of age are eligible, with certain requirements, for child care and development services. The act requires the department to contract with local contracting agencies to provide for alternative payment programs, and authorizes alternative payment programs for services provided in licensed centers and family day care homes and for other types of programs that conform to applicable law.

~~This bill would express the intent of the Legislature to enact legislation that would simplify the documentation that child care providers are required to submit to alternative payment programs, authorize alternative payment programs to use technology that would maximize service to clients and increase efficiency, and request the Controller to pay child care contractors via direct deposit with electronic funds transfers.~~

*This bill would require child care providers authorized to provide services pursuant to those provisions to submit to the alternative payment program a monthly attendance record for each child who received services that documents certified needs and hours of care*

*provided. The bill would require the monthly attendance record to be signed under penalty of perjury by the parent or guardian of the child receiving services and by the child care provider once per month to verify that the child's attendance is accurately reflected in the monthly attendance record. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would also authorize alternative payment programs and providers to maintain records electronically, including, but not limited to, child immunization records.*

*Existing law authorizes the Superintendent of Public Instruction to enter into and execute local contractual agreements with any public or private entity or agency for the delivery of child care and development services related to the delivery of child care and development services or the furnishing of property, facilities, personnel, supplies, equipment, and administrative services related to the delivery of child care development services.*

*This bill would require the department, on and after January 1, 2015, at the request of a contractor, to request the Controller to make payments via direct deposit by electronic fund transfer, as specified.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.*

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 8221.5 is added to the Education Code,
- 2     to read:
- 3     8221.5. (a) Child care providers authorized to provide services
- 4     pursuant to this article shall submit to the alternative payment
- 5     program a monthly attendance record for each child who received
- 6     services that documents certified needs and hours of care provided.
- 7     (b) The monthly attendance record shall be signed, under
- 8     penalty of perjury, by the parent or guardian of the child receiving
- 9     services, and by the child care provider, once per month to verify

1 *that the child's attendance is accurately reflected in the monthly*  
2 *attendance record.*

3 *(c) The monthly attendance record may be maintained by the*  
4 *child care provider in original format or electronically.*

5 *SEC. 2. Section 8228 is added to the Education Code, to read:*

6 *8228. (a) Alternative payment programs and providers*  
7 *operating or providing services pursuant to this article may*  
8 *maintain records electronically, subject to compliance with*  
9 *necessary state and federal auditing requirements. Records that*  
10 *may be maintained electronically include, but are not limited to,*  
11 *the following:*

12 *(1) Child immunization records.*

13 *(2) Parental job verification records.*

14 *(3) Parent income verification.*

15 *(4) Parent school or training verifications and attendance*  
16 *records.*

17 *(b) Nothing in this section requires an alternative payment*  
18 *program to maintain records electronically.*

19 *SEC. 3. Section 8262.3 is added to the Education Code, to*  
20 *read:*

21 *8262.3. On and after January 1, 2015, at the request of a*  
22 *contractor, for a contract executed by the department pursuant to*  
23 *Section 8262, the department shall request the Controller to make*  
24 *a payment via direct deposit by electronic fund transfer into the*  
25 *contractor's account at the financial institution of the contractor's*  
26 *choice.*

27 *SEC. 4. No reimbursement is required by this act pursuant to*  
28 *Section 6 of Article XIII B of the California Constitution because*  
29 *the only costs that may be incurred by a local agency or school*  
30 *district will be incurred because this act creates a new crime or*  
31 *infraction, eliminates a crime or infraction, or changes the penalty*  
32 *for a crime or infraction, within the meaning of Section 17556 of*  
33 *the Government Code, or changes the definition of a crime within*  
34 *the meaning of Section 6 of Article XIII B of the California*  
35 *Constitution.*

36 ~~*SECTION 1. It is the intent of the Legislature to enact*~~  
37 ~~*legislation that would do all of the following:*~~

38 ~~*(a) Simplify the documentation that child care providers are*~~  
39 ~~*required to submit to alternative payment programs, such as billing*~~

- 1 ~~sheets, attendance records, invoices, or other documentation of~~  
2 ~~certified need and hours of care provided.~~  
3 ~~(b) Authorize alternative payment programs to use technology~~  
4 ~~that would maximize service to clients and increase efficiency,~~  
5 ~~including, but not limited to, the following:~~  
6 ~~(1) Electronic signatures.~~  
7 ~~(2) Paperless storage of documents.~~  
8 ~~(3) Direct payments to providers.~~  
9 ~~(4) Electronic communication to providers and parents.~~  
10 ~~(c) Request the Controller to pay child care contractors via direct~~  
11 ~~deposit with electronic funds transfers.~~